

These Minutes Have Not Been Approved By The Board

**MINUTES OF THE MEETING
OF THE
BOARD OF OCCUPATIONAL THERAPY**

July 17, 2006

CALL TO ORDER

Lisa Scheet, Vice Chair, called the meeting of the Board of Occupational Therapy Practice to order at 9:08 a.m., Monday, July 17, 2006, in Conference Room LL - C, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of the Meeting Agenda prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services at least twenty-four (24) hours prior to the meeting.

Roll Call

The following Board members, HHSS Staff, and State Staff were present at the meeting:

Lisa Scheet, Vice Chair
Brenda Coppard, Professional Member
R. McLaran Sawyer, Public Member
Christina Bueide, Chairperson (absent)

Diane Hansmeyer, HHSS Section Administrator
Patty Pierson, HHSS Credentialing Coordinator
Michael Grutsch, HHSS Investigations Program Manager
Duane Newland, HHSS Investigator
Sharon Fitts, HHSS Investigator
Ruth Schuldt, HHSS Credentialing

Julie Agena, Assistant Attorney General
Lisa Anderson, Assistant Attorney General

Adoption of the Revised Agenda

Coppard moved, seconded by Sawyer, to adopt the agenda as presented. Voting aye: Coppard, Sawyer, and Scheet. Voting Nay: none. Absent and not voting: Bueide. Motion carried.

Approval of Minutes

Coppard moved, seconded by Sawyer, to approve the board minutes of May 12, 2006. Voting aye: Scheet, Coppard, and Sawyer. Voting nay: none. Absent and not voting: Bueide. Motion carried.

INVESTIGATIONAL PROCESS REVIEW

Grutsch introduced a schematic of how Investigations is currently handling complaints. Members of the Investigations Division review the complaint before it goes to either the Assistant Attorney General or the entire board. They look at the complaint to see if there is an obvious violation, which can be investigated. Then they send a letter and a copy of the complaint to the respondent and give them an opportunity to respond. If additional

records are needed investigations will subpoena those records, and then send the complete packet of information to the designated board representative who reviews cases. The person offers his or her professional advice regarding the issues and states whether they believe the case should be reviewed or closed and if it should be reviewed, what issues need to be examined. A priority case where there is the threat of imminent harm is investigated right away. All completed cases go to the board, then to the Attorney General's Office.

INVESTIGATIONAL REPORT(S), LICENSURE APPLICATION, JURISPRUDENCE EXAM

In Closed Session

Coppard moved, seconded by Sawyer, to go into closed session at 9:15 a.m. for the purpose of discussing investigational reports and licensure applications and to protect the reputation of individuals, and also to discuss the Jurisprudence Examination. Voting aye: Scheet, Coppard, and Sawyer. Voting nay: None. Absent and not voting: Bueide. Motion carried.

Schuldt left the meeting at 9:22 a.m.

Grutsch, Newland, and Fitts left the meeting at 10:10 a.m.

Break: 10:10 to 10:15 a.m.

Out of Closed Session

Sawyer moved, seconded by Scheet, to come out of closed session at 10:42 a.m. Voting aye: Scheet, Coppard, and Sawyer. Voting Nay: none. Not voting: Bueide. Motion carried.

Motion on Licensure

Coppard moved, seconded by Sawyer to grant licensure to Emily Knapton under the condition that all requirements for licensure have been met. Voting aye: Coppard, Sawyer, and Scheet. Voting nay: none. Absent and not voting: Bueide. Motion carried.

PHYSICAL AGENT MODALITIES

Accelerated Care Plus Application

Accelerated Care Plus submitted an application for approval as a provider to teach physical agent modality courses to interested occupational therapists and occupational therapists assistants. The board requested that Staff write a letter to Accelerated Care Plus stating that the board would not accept the application as submitted. The board requested that if Accelerated Care Plus wanted approval of their courses that they repackage their courses based on State of Nebraska rules and regulation.

Certificates Issued

As of July 1, 2006, all Occupational Therapists and Occupational Therapy Assistants wanting to administer physical agent modalities (PAMs) are required to be certified. Occupational Therapy Assistants can only administer superficial modalities. To date, 158 individuals have applied for and received certification in superficial modalities. Of those 158 individuals, 136 therapists have received an additional certification in deep thermal modalities and electrotherapeutic modalities. The certification fee is \$86.

Clinical Practice Issue

Prior to the July 1, 2006 certification date to administer PAMs, some courses being offered incorporated clinical practice which included administering PAMs. Since some students were still in training after this date, a question arose as to whether they were legally able to continue the clinical practice portion without certification. Hansmeyer consulted with a representative from the department's legal division and was told there was a training exemption, which would apply to those individuals enrolled in courses at the time the law became effective. Therefore, those enrolled students who are administering PAMs during their clinical practice are able to continue. However, they are only allowed to complete the clinical hours required for their training.

PAMs Training/Degree Program

There are four ways to obtain certification. 1) If you are certified as a Hand Therapist by the Hand Therapy Certification Commission, 2) If you have a minimum of five years of experience administering PAMs, and take an exam 3) If your occupational therapy program included coursework covering physical agent modalities and demonstration of physical agent modality competencies, and 4) If you have successfully completed a board-approved training course. Since the board only recently approved the training courses and the law just went into effect July 1, 2006, it was believed that there would be few, if any, individuals who would be able to receive certification based on number three. Hansmeyer said there was one individual who has presented the required documentation demonstrating competencies in PAMs. This individual attended the University of North Dakota. Her credentials were not questioned because all requirements for certification had been met.

Break 11:40 a.m. to 12:05 p.m.

Shippen entered the room at 11:50 a.m.

SCOPE OF PRACTICE

Part-time Practice/Joint Active Systems Representative

Hansmeyer received an email from an individual who had a possible conflict of interest question. This person has been a licensed occupational therapist for 17 years. She currently is working as a sales representative for Joint Active System (JAS). JAS sells range of motion products. She receives a commission for her sales. She is considering part-time work as an occupational therapist because she needs to work 2,000 hours in next five years to maintain her Hand Therapist certification. She wondered if working as a sales representative and working as an occupational therapist simultaneously would constitute a conflict of interest. The board asked Hansmeyer to write a letter to the individual and reference Principle 6B in the Code of Ethics.

COTA - Screening for Therapy Services

An email was received from an individual who asked if certified occupational therapy assistants could perform a screen for therapy services for patients in long-term care. The screen would include gathering data from the chart, from nursing, and from the patient to determine whether the patient could benefit from therapy services. Sawyer moved, seconded by Scheet that the occupational therapy assistant could assist an occupational therapist in gathering data for an assessment, but only the occupational therapist could make a determination for possible services. Voting aye: Coppard, Sawyer, and Scheet. Voting nay: none. Absent and not voting: Bueide.

REGULATIONS

Review

Hansmeyer said that a regular review of the rules and regulations relating to occupational therapy is necessary due to changes that may have occurred statutorily or within the profession. The board decided each member would review the following sections in the regulations: 114-005, 114-008, 114-010, 114-012, 114-013. A discussion regarding the review will be an agenda item at the next regularly scheduled board meeting.

Shippen left the meeting at 12:30 p.m.

Aide Supervision

The legislature added section 71-6117 to the Statutes of Occupational Therapy Practice in 2004, which necessitates that the Board of Occupational Therapy Practice address the supervision of occupational therapy aides. Discussion of this issue has become even more important because of revisions in Chapter 25 - Special Education School-Based Services. This chapter addresses the use of personal assistants in the school systems. To assist the board in its discussion Hansmeyer volunteered to gather information relating to aide supervision. Coppard said she would contact the American Occupational Therapy Association for information on aide supervision. Each will distribute the information to the others. Board members will review the information and discuss it at the January board meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

LAP Report

Hansmeyer gave the board a quarterly report on licensee usage of the Licensee Assistance Program (LAP). Judi Leibrock is the individual who performs the drug and alcohol evaluations. No Occupational Therapists or Occupational Therapy Assistants used LAP services this quarter. Hansmeyer pointed out that an article on chemical dependency is included with each quarterly report. She said these types of stories would be appropriate to include in association newsletters and are sent to associations for that purpose.

12th Annual National Board for Certification in Occupational Therapy (NBCOT) National Conference on Occupational Therapy State Regulation

The 12th annual conference of the NBCOT will be held in Alexandria, Virginia on September 30, 2006. Topics of discussion this year include:

1. Using evidence as a means to update regulatory requirements and certification standards.
2. Methods of collecting evidence
3. Current and emerging regulatory, certification, and policy-related issues affecting occupational therapy practice.

Sawyer moved, seconded by Coppard to send no more than two board members to this conference. Voting aye: Scheet, Coppard, and Sawyer. Voting nay: none. Absent and not voting: Bueide. Motion carried.

Re-affirmation of Ballots

Sawyer moved, seconded by Coppard that the board reaffirm the following mail ballots:

Nolan Mack - Licensure application for occupational therapy.

Douglas Barrientos - Licensure application for a temporary occupational therapist license

Kathleen Flecky - Reinstate her occupational therapy license after one-year of revocation for non-payment of fees.

Voting aye: Scheet, Coppard, and Sawyer. Voting nay: none. Absent and not voting: Bueide. Motion carried.

Audit Issues

Hansmeyer asked for board input and approval of specific documentation of continuing education hours that were received by the health licensing specialist from three licensees being audited this renewal period. Scheet moved, seconded by Coppard that audit information submitted by Tracy Milius, Ryan Olson, and Christina Edelbrock is acceptable. Voting aye: Sawyer, Scheet, and Coppard. Voting nay: none. Absent and not voting: Bueide. Motion carried.

MISCELLANEOUS

There were no miscellaneous items.

ADJOURNMENT

The Meeting was adjourned at 1:25 p.m.

Respectfully submitted by: _____
Christina Bueide, Chairperson

Prepared by: Patty Pierson, Credentialing Coordinator